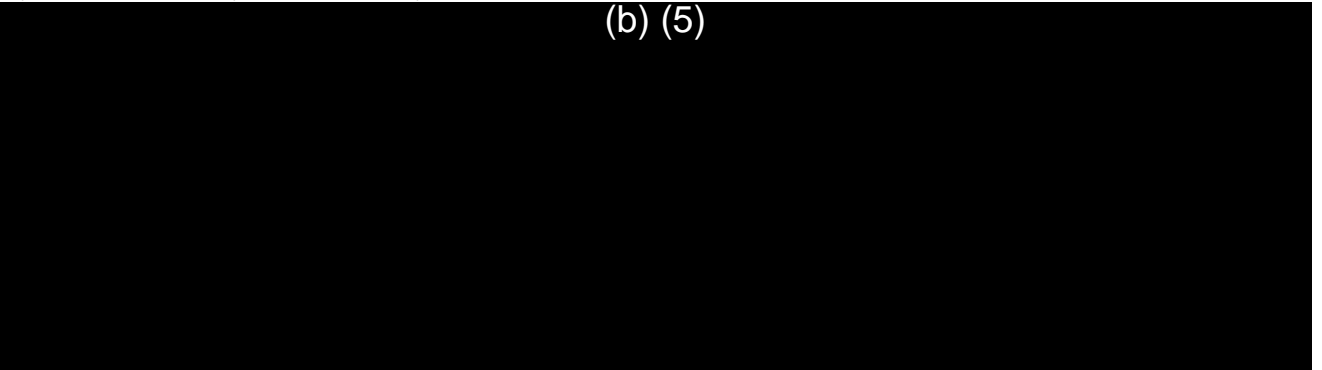


From: [Holloman, Rachel](#)
To: [Teter, Royan](#)
Cc: [Davis, Donna](#); [Goodis, Michael](#); [Rosenblatt, Daniel](#); [Koch, Erin](#)
Subject: Need OECA's opinion on PROP 65 notice on invoices
Date: Friday, March 22, 2019 7:32:42 PM
Attachments: [Sample PCA Rec to adapt to Prop65 wording.pdf](#)
[Sample invoice to adapt to Prop 65 wording.pdf](#)

Hi Royan, I received a call from Dave Lawson in California today. They would like to know if the agency has determine that using an invoice for the PROP 65 language is okay with the Agency (original email from Dave is at the bottom of this email). We met right after the shutdown. Erin had opined and her response is directly below.

(b) (5)



Erin

From: Dave Lawson <davel@healthyplants.org>
Sent: Friday, October 05, 2018 5:23 PM
To: Holloman, Rachel <Holloman.Rachel@epa.gov>
Cc: aprichard@cdpr.ca.gov; Renee Pinel <reeneep@healthyplants.org>
Subject: Follow-up form Conversation this week- Prop 65 warnings on invoices

Rachel,

I have attached examples of what I described to you earlier this week. While EPA continues to consider how to address the California Proposition 65 warning language (or alternative language) for pesticide product labels, we are also in need of EPA guidance regarding how retailers in California may provide Prop 65 warnings to their customers. The Invoice example is a reflection of what some dealerships provide as a Prop 65 warning using the older OEHHA required language.

So, to restate my question, But as they gear up to use the newer 2018 required language from OEHHA for Prop 65 warnings – the question arose – is the dealership pesticide sales invoice considered an extension of the label? If it is, then does FIFRA pre-empt this potential warning mechanism?

Then, perhaps a little more complicated would the attached example of a California Pest Control Advisor (PCA) pesticide use recommendation (which is also required in California by the Department of Pesticide Regulations) be considered an extension of the label?

These questions arose as retailers were/are trying to update software that automatically recognizes a Prop 65 listed pesticide, and inserts the warning automatically onto the invoice and the PCA recommendation sheet. These documents accompany the product being delivered to the grower/purchaser.

Ultimately, the retailers/dealerships/applicators would like to insert the newer OEHHA warning language in place of the older language, if that is agreeable to EPA.

Please let me know your thoughts on how we may proceed to ensure our member companies are in compliance with federal and state regulations.

Best regards,

Dave Lawson

Director of Environmental and Regulatory Affairs

Western Plant Health Association

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